

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GRACE MILES,

Appellant,

v.

ROYCE MAKISHIMA, et al.,

Appellees.

No. C-08-4091 MMC

**ORDER DENYING APPELLANT'S
MOTION FOR APPOINTMENT OF
COUNSEL; DENYING MOTION TO
SEAL; GRANTING REQUEST FOR
EXTENSION OF TIME**

Before the Court are three motions filed December 5, 2008, by appellant Grace Miles ("Miles"): (1) "Motion Requesting Appointment of Counsel," (2) "Motion to Proceed In Forma Pauperis under Seal,"¹ and (3) "Request for Extension of Time to File Brief." Having read and considered the papers filed in support of the motions, the Court finds the matters appropriate for decision thereon and rules as follows.²

1. Miles's "Motion Requesting Appointment of Counsel" is hereby DENIED, for the reason that Miles has failed to show "exceptional circumstances." See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1990).

¹By said motion, Miles requests leave to file under seal her Application to Proceed in Forma Pauperis, received by the Clerk on December 5, 2008.


²The Court does not address herein Miles's "Motion to Disqualify Morgan Lewis from Representation of Client," also filed December 5, 2008, which motion is noticed for hearing January 9, 2009.

1 2. Miles's "Motion to Proceed In Forma Pauperis under Seal" is hereby DENIED, for
2 the reason that Miles has failed to file a declaration establishing that her motion to proceed
3 in forma pauperis is sealable. See Civ. L.R. 79-5(b)(1). If Miles wishes the Court to
4 consider her motion to proceed in forma pauperis, she shall file such motion in the public
5 record.³

6 3. Good cause having been shown, Miles's "Request for Extension of Time to File
7 Brief," by which Miles seeks an extension of no less than 60 days for purposes of filing her
8 opening brief, is hereby GRANTED. Miles shall serve and file her opening brief no later
9 than February 20, 2009. Defendants shall serve and file their brief no later than twenty
10 days after service of Miles's brief. Miles shall serve and file her reply brief no later than ten
11 days after service of defendants' brief.

12 **IT IS SO ORDERED.**

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14 Dated: December 15, 2008


MAXINE M. CHESNEY
United States District Judge

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28 ³The Court notes, however, that no fee is due in the instant action, as Miles paid the
filing fee in the Bankruptcy Court.